

### ***Remarks***

Reconsideration of this Application is respectfully requested. Claims 13, 14, 18, 19, 20, 26 and 27 are pending in the application, with claims 13, 19, 20, and 26 being the independent claims. Claim 20 has been withdrawn. Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

### ***Allowable Subject Matter***

Applicants acknowledge with appreciation the Examiner's indication that claims 18, 19, 26, and 27 are allowed.

### ***Rejections under 35 U.S.C. § 102***

Claims 13 and 14 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Chuah, *et al*, U.S. Patent No. 6,675,765 ("Chuah"). Applicants respectfully traverse this rejection.

Chuah does not teach or suggest each and every element of independent claim 13. As set forth in independent claim 13, "when a collision is detected at said detecting step" the method includes "waiting for a period determined according to a repeat parameter before repeating steps a) and b)." As further set forth in claim 13, the "***repeat parameter is received by said transceiver***" and the repeat parameter "***indicates a waiting period and includes an increment*** by which said waiting period is increased after each subsequent collision is detected." (emphasis added).

Thus, in the method recited in claim 13, the transceiver receives ***two different waiting periods***, a first waiting interval which is used after a first unsuccessful transmission before attempting retransmission, and a further waiting interval

(increment) to be added to the total waiting interval each time a further retransmission is made following an unsuccessful transmission.

In contrast, Chuah describes that “[w]henver there is a collision or other reason an access request is not successfully received at the base station, the remote terminal, depending on the class  $i$ , chooses a random delay distributed between the range  $(D_i, \dots, D_i')$  with  $D_i \leq D_i'$ ,  $D_i \leq D_{i+1}$ ,  $D_{i+1}' \leq D_{i+1}$ , where class  $i$  has a higher priority than class  $i+1$ .” (Chuah, 10:10-19). Thus, Chuah describes that the terminal receives and stores random delay periods described within a range  $(D_i, \dots, D_i')$ , for different classes  $i$ , but does not describe an increment.

Chuah further describes a variable, `no_tx`. (Chuah, 10:51-56). In Chuah, “if the request is not successful, in step 612, the terminal increments variable `no_tx` by one. In step 614, `no_tx` is compared to  $K_i$ . If `no_tx` is greater than  $K_i$ , then the current access request is dropped (step 616).” (Chuah, 10:51-56). Thus, the variable `no_tx` is not received by the terminal and does not describe a waiting period increment which is added to the waiting period each time a further retransmission is made.

Accordingly, Chuah does not teach or suggest “when a collision is detected at said detecting step, waiting for a period determined according to a repeat parameter before repeating steps a) and b), wherein said repeat parameter is received by said transceiver and wherein said repeat parameter indicates a waiting period and includes an increment by which said waiting period is increased after each subsequent collision is detected, whereby said transmission in step a) is increasingly delayed as additional collisions are detected,” as recited in independent claim 13. For at least these reasons, independent claim 13 is patentable over Chuah. Claim 14 depends from claim 13.

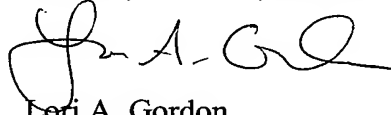
For at least these reasons, and further in view of its own features, dependent claim 14 is also patentable over Chuah. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Lori A. Gordon  
Attorney for Applicants  
Registration No. 50,633

Date: August 18, 2008

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600